

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BISOUS BISOUS LLC,

Plaintiff,

v.

THE CLE GROUP, LLC,
BISOU UPTOWN MANAGER, LLC, and
JOHN DOES 1–10,

Defendants.

Case No. 3:21-cv-01614-B

**SUPPLEMENTAL APPENDIX IN SUPPORT OF PLAINTIFF BISOUS BISOUS LLC'S
APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND MOTION FOR
PRELIMINARY INJUNCTION**

	<u>Document</u>	<u>Pages</u>
1.	- Declaration of Matthew Meyer	434-436
2.	Ex. U. Recording of voicemail left with BISOUS BISOUS on August 3, 2021	437-438
3.	Ex. V. Recording of voicemail left with BISOUS BISOUS on August 3, 2021	439-440
4.	Ex. W. An email dated August 4, 2021 sent to BISOUS BISOUS and a reply to that email dated the same day sent by Matthew Meyer at matt@bisous-bisous.com	441-443

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: August 9, 2021

By: /s/ David B. Conrad

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 9, 2021, a true and correct copy of the foregoing document has been filed with the clerk of court for the U.S. District Court, Northern District of Texas and served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: August 9, 2021

/s/ David B. Conrad

David B. Conrad

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DECLARATION OF MATTHEW MEYER

1. My name is Matthew Meyer. I am over 18 years of age, of sound mind, have not been convicted of a felony, and capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a co-founder and co-owner of Bisous Bisous LLC (“BISOUS BISOUS”).

3. On August 3, 2021, BISOUS BISOUS received two voicemail messages from individuals seeking to make dinner reservations. BISOUS BISOUS does not serve dinner and does not take reservations, but I am aware that Defendants’ BISOU restaurant does. I have carefully listened to both voicemail recordings.

4. Attached as Exhibit U is a true and correct copy of a voicemail recorded by BISOUS BISOUS’ telephone voicemail system on Tuesday, August 3, 2021, in which the caller identifies himself as “Princeton Marcellis,” and seeks information concerning “table reservations” “for this Saturday [August 7], for a dinner reservation, about—I’m going to say—10.”

5. Attached as Exhibit V is a true and correct copy of a voicemail recorded by BISOUS BISOUS' telephone voicemail system on Tuesday, August 3, 2021, in which the caller identifies herself as "Amineria," and states she "was calling just to inquire" about "a dinner" for "a party of 10" on "Wednesday the 11th," and that "the occasion is a birthday."

6. On Wednesday August 4, 2021, BISOUS BISOUS received an email from Princeton Marcellis, the caller identified in Paragraph 4 above. The email was sent to info@bisous-bisous, which is BISOUS BISOUS' publicly provided email address on the bisous.com website and social media pages, and addressed as "Hey Bisou." The email was a follow-up to Mr. Marcellis' earlier voicemail message to make a dinner reservation. Attached as Exhibit W is a true and correct copy of the email from princetonmarcellis@gmail.com dated August 4, 2021 and my reply. I replied to that email from my personal BISOUS BISOUS account matt@bisous-bisous.com explaining that "Bisous Bisous Patisserie is a separate company that is not affiliated with Bisou (Bisou Uptown)."

7. In addition to the above, and the eleven (11) misdirected calls noted in the Declaration of Andrea Meyer (Paragraph 36), BISOUS BISOUS has received at least eleven (11) more misdirected calls between July 16 and August 3, 2021 in which the caller asked "for reservations," and "for the restaurant," and five (5) additional misdirected phone calls between August 4 and August 6, 2021 from individuals seeking to make dinner reservations at BISOU. I know that these are misdirected calls because the caller, when asked, explains that they are trying to reach BISOU. BISOUS BISOUS has now received at least twenty-five (25) misdirected calls in which the caller is seeking BISOU.

8. I declare under penalty of perjury that the foregoing is true and correct.

Date: August 5, 2021

/s/ Matthew Meyer

Matthew Meyer

Exhibit U

Audio Clip Filed in its Native Format

Exhibit V

Audio Clip Filed in its Native Format

Exhibit W

From: Matt Meyer <matt@bisous-bisous.com>
Sent: Wednesday, August 4, 2021 1:33 PM
To: Kristen McCallion <McCallion@fr.com>; Vivian Cheng <cheng@fr.com>; David Conrad <Conrad@fr.com>
Cc: Andrea Meyer <andrea@bisous-bisous.com>
Subject: Fwd: Reservation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Matt Meyer <matt@bisous-bisous.com>
Subject: Re: Reservation
Date: August 4, 2021 at 12:10:33 CDT
To: Princeton Marcellis <princetonmarcellis@gmail.com>
Cc: info@bisous-bisous.com

Hi Princeton,

Bisous Bisous Patisserie is a separate company that is not affiliated with Bisou (Bisou Uptown). The similar name is causing massive confusion for other customers too. I'm afraid I cannot take your reservation, but wanted to make sure to get you to the right place. Their phone number is [\(214\) 434-1973](tel:2144341973). They also have an online reservation system at resy.com.

Please keep us in mind the next time you crave fine French desserts and pastry. We are located just 0.9 miles North on McKinney Ave.

Cheers,
Matt Meyer

On Aug 4, 2021, at 11:44, Princeton Marcellis <princetonmarcellis@gmail.com> wrote:

Hey Bisou,

I tried calling you yesterday, but it kept going to voicemail. I need a reservation of 3 tonight at 9:30pm, and one of 10 on Saturday at 8pm. Please hit me back!!

Sent from my iPhone